

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A). No. 822 of 2017

Vivek Sharma S/o Shri Vyas Narayan Sharma Aged About 31
Years R/o Near Devendra Chowk, Birgaon, Police Station
Urla, Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Urla, District
Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Malay Kumar Bhaduri,
Advocate.

For the Respondent/State : Shri U.K.S. Chandel PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24.11.2017

1. Apprehending arrest in connection with Crime No.218/2017 registered at Police Station- Urla District – Raipur (C.G.), for offence punishable under Section 498-A / 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The wife of applicant Rupa @ Vaishnavi Pandey has lodged false complaint against the applicant and others leveling the allegation for demand of

dowry and subjecting her to cruel treatment. The co-accused person in this case have been benefited with grant of anticipatory bail by the trial Court, applicant has also similar case, hence, it is prayed that the applicant is entitled for grant of anticipatory bail.

3. Learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that there is clear and categorical statement against the applicant in the evidence collected in the investigation, hence, the applicant is not entitled for grant of anticipatory bail.
4. Heard counsel for both the parties and perused the case diary.
5. Facts of the case are these, that marriage of applicant and the complainant Rupa @ Vaishnavi Pandey was performed on 27.05.2015, while residing in her matrimonial home, complainant was subjected to torture and cruel treatment for demand of dowry. She also felt tortured because her husband had been a habitual drinker and that he preferred non-veg for which she had a dislike. On the basis of complainant police has registered the FIR.
6. Considering the submissions and contents of the case diary and looking to the facts and circumstances of this case that similarly placed co-accused person have been benefited with grant of anticipatory bail of this case, keeping in view laid down by Supreme Court judgment of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma Vs. State of Uttar Pradesh and Ors***, reported in **(2017) 8 SCALE 313**. applicant also is entitled for grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)

Judge